

UNITED STATES DISTRICT COURT

for

NORTHERN DISTRICT OF GEORGIA

FILED IN CLERK'S OFFICE
U.S.D.C. Atlanta

JAN 03 2008

By: JAMES N. HATTEN, Clerk
Deputy Clerk

U. S. A. vs. Michael Foster

Docket No. 1:05-CR-403-06

PETITION AND ORDER TO MODIFY CONDITIONS OF PROBATION

COMES NOW Barbara L. Oswald PROBATION OFFICER OF THE COURT presenting an official report upon the conduct and attitude of Michael Foster who was placed on supervision for the offense of Possession of Stolen Firearms, 18 U.S.C. §§922(j), 924(a) and 2, by the Honorable Charles A. Pannell, Jr. Sitting in the court at Atlanta, on the 10th day of August, 2006 who fixed the period of supervision at 60 months, and imposed the general terms and conditions theretofore adopted by the Court and also imposed special conditions and terms as follows:

While on probation, the defendant shall not commit another federal, state, or local crime, shall comply with the standard conditions that have been adopted by this Court, and shall comply with the following additional conditions:

The periodic drug testing mandated by the Violent Crime Control and Law Enforcement Act of 1994 is hereby suspended. The Court finds that this offense is not drug related, and this defendant has no current or past history of substance abuse.

Pursuant to 42 U.S.C. 14135a(d)(1) and 10 U.S.C. 1565(d), which requires mandatory DNA testing for federal offenders convicted of felony offenses, the defendant shall cooperate in the collection of DNA as directed by the probation officer.

The defendant shall make a full and complete disclosure of finances and submit to an audit of financial documents, at the request of the United States Probation Officer.

The defendant shall not own, possess or have under his control any firearm, dangerous weapon or other destructive device.

The defendant shall participate in the following home confinement detention program for a period of 180 days and abide by all the requirements of the program which will not include electronic monitoring or other location verification system. The defendant shall pay all or part of the costs of the program based upon your ability to pay as determined by the probation officer. The defendant shall be restricted to His residence at all times except for employment; education; religious services; medical, substance abuse, or mental health treatment; attorney visits; court appearances; court-ordered obligations; or other activities as pre-approved by the probation officer.

The defendant shall submit to a search of his person, property, real or personal, residence, place of business or employment, and/or vehicle(s) at the request of the United States Probation Officer. The defendant shall permit confiscation and/or disposal of any material considered contraband or any other item which may be deemed to have evidentiary value related to violations of supervision.

The defendant shall maintain verifiable employment of no less than 36 hours per week.

The defendant shall pay no less than \$100.00 per month, plus 25 % of any monthly gross income exceeding \$1,000.00, toward his restitution of \$2,700.00.

RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT FOR CAUSE AS FOLLOWS:

(If short insert here; if lengthy write on separate sheet and attach)

The defendant is currently five months (\$500) behind on his restitution payments.

The defendant failed to comply with the conditions of the half-way house regarding finding and maintaining employment, and was terminated from the program.

The defendant tested positive for marijuana on August 28, 2007, while at the half-way house.

PRAYING THAT THE COURT WILL ORDER Michael Foster to appear before the Court on Tuesday, January 8, 2008 at 10:00 a.m., as directed to show cause why Probation should not be revoked.

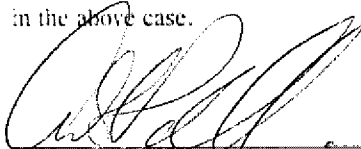
ORDER OF COURT

Considered and ordered this 2 day of

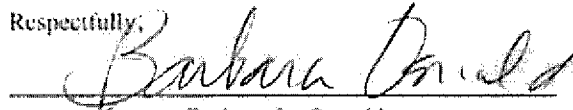
Jan 2008

and ordered filed and made a part of the records

in the above case.

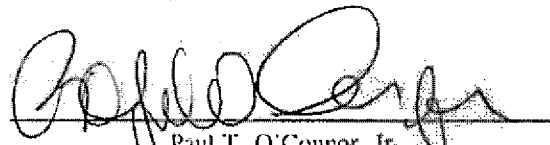

Honorable Charles A. Pannell, Jr.
U. S. District Court Judge

Respectfully,


Barbara L. Oswald
U. S. Probation Officer

Place: Atlanta, Georgia

Date: January 2, 2008


Paul T. O'Connor, Jr.
Supervising U. S. Probation Officer